



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

SEP 10 2015

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Article Number: 7015 1520 0003 0791 2553**

Mr. Sean P. Quinn  
Ms. Sandra Quinn  
K.A. Sunset View Farm, LLC  
249 Sarles Ferry Road  
Schaghticoke, NY 12154

RE: Request for Information (“RFI”) Pursuant to Section 308 of the Clean Water Act  
K.A. Sunset View Farm, LLC Concentrated Animal Feeding Operation (“CAFO”)  
SPDES No. NYA001405  
Docket No. CWA-IR-15-030

Dear Mr. and Ms. Quinn:

The United States Environmental Protection Agency (“EPA”) is charged with the protection of human health and the environment under the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, the EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

***A. Information Regarding K.A. Sunset View Farm, LLC***

K.A. Sunset View Farm, LLC (“Sunset View”) is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit to the EPA the following information **no later than forty-five (45) calendar days of receipt of this RFI:**

1. Please provide copies of Sunset View’s certificate of incorporation and bylaws, as well as board meeting minutes for 2010 through the present.
2. Please provide a list of all current employees, officers, and owners/shareholders of Sunset View.
3. Please provide the following financial documents for Sunset View:
  - a. The most current financial statement,
  - b. A list of assets, including land, buildings, and machinery,
  - c. A list of debts,
  - d. Monthly bank statements from January 1, 2010 through July 31, 2015,
  - e. Annual profit and loss statements for 2010, 2011, 2012, 2013 and 2014,
  - f. A general ledger covering January 1, 2010 through July 31, 2015.
4. Please provide a copy of the current title, including any amendments and/or encumbrances, for the property on which Sunset View’s CAFO facility is located.

5. Does Sunset View compensate Kernel Acres, LLC ("Kernel Acres") for the feed that Kernel Acres delivers to Sunset View? If so, what is the nature, frequency, and value of such compensation? If there are, or have been, any contracts between the two corporations regarding the feed, please provide a copy of any such contracts that were, or have been, in effect since September 1, 2010.
6. Does Kernel Acres compensate Sunset View for the use of Sunset View's equipment to land apply manure? If so, what is the nature, frequency, and value of such compensation? The EPA obtained a copy of the manure handling contract dated January 1, 2010 during its July 9, 2015 inspection of Sunset View. If that contract is not the most current version, please provide a copy of the most current version.
7. Please provide documentation of all financial transactions between Sunset View and Kernel Acres from September 1, 2010 through July 31, 2015.
8. Do any of Sunset View's employees, officers, or owners/shareholders, participate in or control any activities by Kernel Acres including, but not limited to, how manure from Sunset View is land applied by Kernel Acres? If so, please describe how and to what extent.
9. Please provide copies of the Soil Nutrient Records, as referenced in the "Manure Handling Contract," from September 1, 2010 through July 31, 2015.
10. Do Sunset View and Kernel Acres share a line of credit or guarantee each other's debts? If so, please describe how and to what extent.
11. Do Sunset View and Kernel Acres share advertising and marketing? If so, please describe how and to what extent.
12. Do Sunset View and Kernel Acres share an office, equipment, and/or staff? If so, please describe how and to what extent.

***B. Information Regarding Kernel Acres, LLC***

In addition to the information required above, EPA is requesting additional information regarding Kernel Acres, LLC. Please note that EPA is requesting that you voluntarily submit this information in order to help us determine whether the relationship between Sunset View and Kernel Acres complies with the terms and conditions of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System ("SPDES") General Permit for CAFOs (GP-04-02) that Sunset View has sought and obtained coverage under.

1. Please provide copies of the certificate of incorporation and bylaws for Kernel Acres, as well as board meeting minutes for 2010 through the present.
2. Please provide a list of all current employees, officers, and owners/shareholders of Kernel Acres.
3. Please provide the following financial documents for Kernel Acres:
  - a. The most current financial statement,
  - b. A list of assets, including land, buildings, and machinery,
  - c. A list of debts,
  - d. Monthly bank statements from January 1, 2010 through July 31, 2015,
  - e. Annual profit and loss statements for 2010, 2011, 2012, 2013 and 2014,
  - f. A general ledger covering January 1, 2010 through July 31, 2015.

4. Please provide a copy of the current title, including any amendments and/or encumbrances, for the property on which Kernel Acres land applies manure from Sunset View.
5. Please provide map(s) of the land base upon which Kernel Acres applies manure from Sunset View, indicating where the manure is land applied as well as any neighboring surface waters and drainages connected to surface waters.
6. Please provide any records of manure application and manure recommendations that are not already being provided in answer to question A.9, above.
7. Please provide a list of all of Kernel Acres' customers.

All information required to be submitted by this Request for Information shall be sent by certified mail or its equivalent to the following address:

Douglas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

Any such submissions shall be signed by an authorized representative of Sunset View (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide the information required in section A, above, may subject Sunset View to civil and/or criminal penalties pursuant to Section 309 of the CWA, and may also subject it to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the inspection report detailing the EPA's findings from its July 9, 2015 inspection at Sunset View.

If you have any questions regarding this Request for Information or the enclosed Inspection Report, please feel free to contact Christy Arvizu of my staff via phone at (212) 637-3961 or via email at [arvizu.christy@epa.gov](mailto:arvizu.christy@epa.gov).

Sincerely,



Douglas McKenna, Chief  
Water Compliance Branch

**Enclosures**

**cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC  
Randy Galusha, Acting Regional Water Engineer, NYSDEC Region 5**





United States Environmental Protection Agency  
Washington, D.C. 20460

## Water Compliance Inspection Report

### Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/>

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
K.A. Sunset View Farm, LLC 249 Sarles Ferry Road Easton, NY 12384	1000 07/09/2015	07/01/2004
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Exit Time/Date	Permit Expiration Date
Sean & Sandra Quinn, K.A. Sunset View Farm, LLC, Owners, 518.692.1060 (Farm) Larry Eckhardt, Professional Crop Consultant, Capital Area Ag Consulting, 518.733.5129 & 518.573.2565 (cell)	1430 07/09/2015	06/30/2009
Name, Address of Responsible Official/Title/Phone and Fax Number	Other Facility Data (e.g., SIC NAICS, and other descriptive information)	
Sean and Sandra Quinn, Owners K.A. Sunset View Farm, LLC 249 Sarles Ferry Road Easton, NY 12384 518.692.1060 (Farm)	Contacted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

### Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

### Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description	See inspection report
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Christy Arvizu	US EPA/DECA/WCB 212.637.3961	8/26/2015
Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date
		9/10/15

# INSTRUCTIONS

## Section A: National Data System Coding (i.e., PCS)

**Column 1: Transaction Code:** Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

**Columns 3-11: NPDES Permit No.** Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

**Columns 12-17: Inspection Date.** Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

**Column 18: Inspection Type\*.** Use one of the codes listed below to describe the type of inspection:

A Performance Audit	U IU Inspection with Pretreatment Audit	I Pretreatment Compliance (Oversight)
B Compliance Biomonitoring	X Toxics Inspection	@ Follow-up (enforcement)
C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	{ Storm Water-Construction-Sampling
D Diagnostic	\$ Combined Sewer Overflow-Sampling	} Storm Water-Construction-Non-Sampling
F Pretreatment (Follow-up)	# Combined Sewer Overflow-Non-Sampling	: Storm Water-Non-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	~ Storm Water-Non-Construction-Non-Sampling
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	< Storm Water-MS4-Sampling
J Complaints	\ CAFO-Sampling	- Storm Water-MS4-Non-Sampling
M Multimedia	= CAFO-Non-Sampling	> Storm Water-MS4-Audit
N Spill	2 IU Sampling Inspection	
O Compliance Evaluation (Oversight)	3 IU Non-Sampling Inspection	
P Pretreatment Compliance Inspection	4 IU Toxics Inspection	
R Reconnaissance	5 IU Sampling Inspection with Pretreatment	
S Compliance Sampling	6 IU Non-Sampling Inspection with Pretreatment	
	7 IU Toxics with Pretreatment	

**Column 19: Inspector Code.** Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)	O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
B — EPA (Contractor)	P — Other Inspectors, State (Specify in Remarks columns)
E — Corps of Engineers	R — EPA Regional Inspector
J — Joint EPA/State Inspectors—EPA Lead	S — State Inspector
L — Local Health Department (State)	T — Joint State/EPA Inspectors—State lead
N — NEIC Inspectors	

**Column 20: Facility Type.** Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

**Columns 21-66: Remarks.** These columns are reserved for remarks at the discretion of the Region.

**Columns 67-69: Inspection Work Days.** Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

**Column 70: Facility Evaluation Rating.** Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

**Column 71: Biomonitoring Information.** Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

**Column 72: Quality Assurance Data Inspection.** Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

**Columns 73-80:** These columns are reserved for regionally defined information.

## Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

## Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

## Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

\*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
**CAFO FACILITY INSPECTION REPORT**  
Version 1.0 - 3/15/08

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COPIES MUST BE MADE BY THE  
INSPECTOR FOR THE PERMITTEE

Facility Name: K.A. Sunset View Farm, LLC

SPDES: NYA001405

Date: 7/9/2015

**I. INSPECTION INFORMATION**

Purpose of Inspection (Check any appropriate box): <input type="checkbox"/> Reconnaissance (page 1 only) <input checked="" type="checkbox"/> Comprehensive <input type="checkbox"/> Complaint Response			DEC Region <u>5</u>	Date <u>7/9/15</u>	Time <u>1000</u>
Inspector Name: <u>Christy Anzu</u>			Inspector Signature: <u>Christy Anzu</u>		
Owner/Operator Representative: <u>Sean + Sandra Quinn</u>			Representative Title: <u>Owners</u>		
Street/Rte. No.: <u>249 Sarks Ferry Rd</u>		CITY: <u>Easton</u>	County: <u>Washington</u>	Phone Number: <u>see insp. rpt</u>	
Other Inspection Attendees, Affiliations, Phone Numbers: <u>See inspection report</u>					
1. Present Weather Conditions: <u>Overcast, intermittent showers</u>		2. Weather Previous 24 Hours: <u>Showers</u>		3. Other Notable Weather Concerns: <u>Wet June, dry May</u>	
4. Permitted Facility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no complete and attach determination worksheet)					
Items			Comments		
5a. Comprehensive Nutrient Management Plan					
5b. Emergency Action Plan					
5c. Monitoring and Reporting					
6. Barnyard Runoff Management					
7. Silage/Feed/Commodities Storage					
8. Waste Storage Facilities and Manure Transfer					
9. Wastewater Treatment Strip					
10. Best Management Practice Implementation					
11. Waste Treatment Systems					
12. COMMENTS/DESCRIPTION					
Overall Facility Rating:					



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SPDES: NYA001405

Date: 7/9/2015

**II. GENERAL INFORMATION**

1. Surface water(s) which would receive production area discharges: Minor tributary to Upper Hudson (intermittent)
2. Watershed(s): (CBP, NYC, Lk Champlain, etc.) Upper Hudson River  
- dry most of the year (LE, SQ)
3. Is there analytical data from the farm well(s) indicating contamination? not tested ☐ Yes ☐ No  
3 wells
4. Type(s) and numbers of animals currently managed:  
~ 1,800 heifers/calves; 25 dry cows
- 5a. Type of Operation: ☒ Year Round ☐ Seasonal
- 5b. Type of Operation: ☐ Open Lot ☒ Partially Exposed ☐ Fully Roofed  
calf hutches & feed drop off area
6. Are human wastes being mixed or stored with manure or process wastewater? ☐ Yes ☒ No  
septic
7. Are additional nutrients imported? (Excl: commercial/chemical fertilizer) ☒ Yes ☐ No N/A for crop  
feed  
no crop land  
lost daily at feed brought in by Kernel Acres, LLC
8. Are nutrients being exported? ☒ Yes ☐ No  
100% to Kernel Acres, LLC
9. If the volume of manure, litter, or process wastewater exported exceeds 50 tons annually to any one recipient have the entity, dates, amounts, and address of recipient, been documented in the CNMP? ☒ Yes ☐ No
10. Have all waste recipients been provided with the nutrient content of the manure? ☒ Yes ☐ No
11. Are all waste storage facilities mapped and included in the CNMP? ☒ Yes ☐ No  
\* 1 Compost/heat recovery bldg  
1 Manure Separator bldg  
1 Manure Storage lagoon





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SPDES: NYA001405

Date: 7/9/2015

**III. COMPREHENSIVE NUTRIENT MANAGEMENT PLAN (CNMP)**

1. Has CNMP been completed and is it available onsite? ☒ Yes ☐ No
2. Is the CNMP *certification* / Appendix B (completed and signed) available onsite?  
2/23/2010 ☒ Yes ☐ No
3. Are the annual compliance reports / Appendix D (completed and signed) available onsite? ☒ Yes ☐ No
4. Are field data/nutrient application (e.g. Cropware Output) sheets available? ☐ Yes ☐ No N/A
5. Are soil test results less than 3 years old? ☐ Yes ☐ No N/A
6. Have manure nutrient analyses been completed in the past year? (large) or past 2 years? (medium)  
Most recent 3/4/2015 (records for 2014, 2012, 2010 available also; not 2013-2011) ☒ Yes ☐ No
7. Are fields with very high P Index scores scheduled to receive or receiving additional manure or P-fertilizer?  
☐ Yes ☐ No N/A
8. Do fields with very high N Index scores have adjusted practice recommendations (e.g. cover crops, timing of application)?  
☐ Yes ☐ No N/A
9. Are field spreading setbacks recorded for wells and streams (perennial and intermittent)? ☐ Yes ☐ No N/A
10. Are manure applications being recorded and tallied by individual field or management unit? ☐ Yes ☐ No N/A
11. Is field spreading in general accord with recommendations? ☐ Yes ☐ No N/A
12. Does the CNMP identify fields to spread during adverse weather conditions? ☐ Yes ☐ No N/A
13. Identify any new animal housing or manure storage structures added since last inspection:  
Bedded Pack Barn / Barn #6 - constructed 2013
14. Are these new structures recorded in the CNMP? ☒ Yes ☐ No
15. Was the CNMP updated for facility expansion as necessary (e.g. herd or flock increases of  $\geq 20\%$ )?  
CNMP accounts for current #s ☐ Yes ☐ No N/A
16. Is an emergency action plan available? ☒ Yes ☐ No
17. If "Yes", has it been communicated to employees? (ex: posted in appropriate languages) ☒ Yes ☐ No
18. Has the CNMP been fully implemented? ☒ Yes ☐ No

If "No," provide current status:

Overall Rating:



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Facility Name: K.A. Sunset View Farms LLC

SPDES: NY1001405

Date: 7/9/2015

#### IV. STORMWATER RUNOFF MANAGEMENT

Complete one Section IV. for Each Farmstead (Use Multiple Sheets If Necessary)

Farmstead Name / Identifier: Sunset View Farm

1. Is there evidence of runoff discharged directly to a surface water?

If "Yes," describe pipe(s) or channel(s), show location(s) on the map, and indicate if contaminated or potentially contaminated:

☐ Yes ☒ No

2. Farmstead Runoff Management System Includes: ☒ Runoff to Waste Storage

☐ Solids Sedimentation System

☒ Wastewater Treatment Strip

☐ Direct Flows to Remote Field

☒ Other French drains

Calf hutch wastewater filter strip

3. Does clean water come into contact with the production area?

calf hutches, feed drop off

☒ Yes ☐ No

4. Do roof drains segregate clean rainwater from contaminated runoff?

☒ Yes ☐ No

5. Does a watercourse flow through the production area?

☐ Yes ☒ No

6. If "Yes", have livestock been completely fenced out of production area watercourses?

☐ Yes ☐ No NA

7. Describe any deficiencies (e.g. operation and maintenance) and the various stages of implementation:

Overall Rating:

#### V. OTHER WASTES

1. Are milking center wastes co-disposed with manure?

☐ Yes ☐ No NA

2. If "No", describe the method or system for disposal/treatment:

3. Are procedures for handling and disposal of dead animals sufficient?

Composted off-site

☒ Yes ☐ No

4. How is the spoiled silage/feed/commodities handled?

sent to manure storage or off-site

5. Describe any deficiencies and the various stages of implementation:

Overall Rating:



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Facility Name: R.A. Sunset View Farm, LLC

SPDES: MA001405

Date: 7/9/2015

### VI. SILAGE/FEED/COMMODITIES STORAGE

Complete Section VI. for Each Silage/Feed/Commodities Storage Area (Use Multiple Sheets if Necessary)

Storage Area Name / Identifier: Feed drop off area

1. Describe the material(s), method(s) and approximate storage capacity:

60 T/daily dropped off in temporary storage area to NE of barns #4+5

2. Are adequate measures taken to exclude precipitation/groundwater? less than one day storage (fed that same day) ☐ Yes ☐ No

3. If "No", describe:

4. Leachate/Runoff Management includes:

☐ Runoff to Waste Storage

☐ Solids Separation System

☐ High/Low Flow Separator

☐ Wastewater Treatment Strip

☐ Direct Flows to Field

☒ Other run off to driveway

5. Are Ag Bags being placed such that the leachate runoff could affect water quality?

☐ Yes ☐ No N/A

6. If "Yes", is an appropriate leachate control system in place?

☐ Yes ☐ No N/A

Overall Rating:

### VII. MONITORING AND REPORTING

1. Is a rain gage maintained onsite?

☒ Yes ☐ No

2. If "Yes", have all precipitation events in excess of 0.3 inch been measured and recorded?

☒ Yes ☐ No

3. Does the permittee retain copies of all records and reports for at least 5 years?

☐ Yes ☒ No

Note deficiencies found:

see inspection report for narrative

4. Are records of overflows from production areas, including the date and time and an estimate of the volume available and sufficient?

no overflows reported

☐ Yes ☐ No N/A

FOR LARGE BEEF, DAIRY, VEAL CALF, SWINE, AND POULTRY CAFOS: -see inspection report

5. Have weekly inspections of all storm water devices, runoff diversion structures, animal waste storage structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure been done and adequately recorded?

☐ Yes ☐ No

6. Are weekly records of the depth marker readings for manure and process wastewater in any open liquid storage structures available and sufficient?

☐ Yes ☐ No

7. Are records of precipitation exceeding 0.3 inch for a period of 24 hours prior to, during, and for 24 hours after land applications available?

☐ Yes ☐ No

Overall Rating:



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
**CAFO FACILITY INSPECTION REPORT**  
Version 1.0 - 3/15/08

DISTRIBUTION  
COPIES MUST BE MADE BY THE  
INSPECTOR FOR THE PERMITTEE

Facility Name: K.A. Sunset View Farm, LLC

SPDES: NYA001405

Date: 7/9/2015

**VIII. WASTE STORAGE FACILITIES and MANURE TRANSFER**

Complete Section VIII. for Each Waste Storage Facility (Use Multiple Sheets If Necessary)

Waste Storage Facility Name / Identifier: Manure Storage Lagoon

1. Are "As Builts" documentation of the installation Available and Signed  
by a PE or appropriate NRCS Employee?

☐ Yes ☒ No

2. Is there an Undesigned Storage Evaluation Certification Letter Signed  
by a PE or appropriate NRCS Employee (If yes attach copy to inspection report)?

☒ Yes ☐ No

3. If Both 1 and 2 are "No", is it scheduled for an evaluation by a PE?

☐ Yes ☐ No N/A

4. What is the date of installation of the waste storage facility?

5. What materials are stored? (e.g. manure, whey, leachate) Manure

6. Construction: ☒ Clay-Lined ☐ Plastic-Lined ☐ Unlined ☐ Steel ☒ Concrete ☐ Other

7. Capacity (gallons): 3,753,880

6. Approximate Dimensions (ex: side slopes, LxWxD)  
295' x 195' x 12'

8. Approximate Storage Period: 6 months

9. Has a permanent depth marker or recorder been installed at the design storage level?(NY313)

☒ Yes ☐ No

10. Is there evidence of the waste storage facility exceeding the design storage volume?

☐ Yes ☒ No

11. Is fencing in place surrounding the storage?(NY313) clothesline 0.1" tape line

☐ Yes ☐ No

12. Are outside embankments covered with properly maintained vegetation to control erosion?(NY313)

☒ Yes ☐ No

13. Are trees, rodent holes, cracks, seeps, etc. evident in the embankment area surrounding the wsf?

☐ Yes ☒ No

14. Does the storage have a written O&M plan and does it appear that it is being followed?

☒ Yes ☐ No

evaluation by Clark Engineering has O&M plan  
15. Describe any deficiencies and the various stages of implementation:  
(ex: lack of records, poor maintenance, etc.)

Overall Rating:

If there are Associated Permanent or Semi-Permanent Pipelines:

18. Are they: ☐ Above Ground ☒ Below Ground

19. Are there stand pipes/valves/junctions at or near streams?

☐ Yes ☒ No

20. Do the valves appear to function properly?

☒ Yes ☐ No

21. Is there evidence of leakage in the pipeline(s), pumps, or valves?(NY634) Did not observe

☐ Yes ☐ No

22. Are there anti-siphon devices in place?

Did not observe

☐ Yes ☐ No

Overall Rating:



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Facility Name: K.A. Sunset View Farm, LLC

SPDES: NYA001405

Date: 7/9/2015

If there are Associated Tanks/Reception Pits/Hoppers: N/A

22. Have tanks/reception pits/hoppers been sized to contain less than 7 full days' manure production?

☐ Yes ☐ No

23. Is there evidence of leakage in any tanks/reception pits/hoppers?(NY634)

☐ Yes ☐ No

Overall Rating:

### IX. WASTEWATER TREATMENT STRIPS

Complete Section IX. for Each Wastewater Treatment Strip (Use Multiple Sheets If Necessary)

Wastewater Treatment Strip Name / Identifier: Calf hutches & decontamination/wash shed

Wastewater Source: (ex: bunk silo #4)

1. Was the treatment strip designed by a Technical Service Provider or NRCS employee with appropriate job approval authority?

☐ Yes ☐ No

2. Does the treatment strip finished grade appear not less than 2% and not more than 12%?(NY635)

☒ Yes ☐ No

3. Does the treatment strip lower edge appear to be a minimum of 25 feet from surface waters of the State and the entire strip 100 feet from a well?(NY635)

☒ Yes ☐ No

4. Is there evidence of pollution beyond the filter area?

☐ Yes ☒ No

5. Are excess solids problematic in the filter area?

☐ Yes ☒ No

6. Do all discharges to the treatment strip appear to be uniformly distributed over a level cross-section?(NY635)

☒ Yes ☐ No

7. Is permanent grass-based vegetation present on a uniformly graded strip?(NY635)

☒ Yes ☐ No

8. Are all concentrated wastewaters (low flows) being diverted away from the treatment strip?(NY635)

☒ Yes ☐ No

(i.e. treatment strips should be designed and utilized for the treatment of contaminated runoff from feedlots, barnyards, livestock holding areas, milking center effluents and high flow dilute silage leachate only)

9. Is a kill zone evident in the treatment strip?(NY635)

☒ Yes ☐ No

10. Should further source control be utilized to reduce the volume, frequency, and concentrations of pollutants entering the treatment strip? (Including diversion of clean water up to the peak discharge from a 25yr/24hr storm)

☐ Yes ☒ No

11. Is the treatment strip mowed and harvested periodically?(NY635) just mowed before inspection

☒ Yes ☐ No

12. Does the treatment strip have a written O&M plan and does it appear that it is being followed?

☒ Yes ☐ No

Overall Rating: See inspection report for additional observations





Denise Sheehan  
Commissioner

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
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Facility Name: <u>K.A. Sunset View Farm, LLC</u>	SPDES: <u>NNA001405</u>	Date: <u>7/9/2015</u>
--	-------------------------	-----------------------

**X. PERMITTEE ACTION(S) REQUIRED / COMMENTS**

☐ None noted

☐ Actions required as follows:

See inspection report

**ADDITIONAL COMMENTS**

Items the facility has accomplished:

Significant observed environmental concerns/risks:

THIS REPORT IS ONLY RELEVANT TO THE ITEMS INSPECTED AND CHECKED

November 6, 2014

**AGRONOMY 38**

**Confinement/Exclusion Fence**

The attached information will be helpful in the construction of Fences in areas where damage to property or livestock, injury or loss of life is possible. Critical areas include: fences along property lines, near roads, all perimeter fence in pasture, or adjacent to environmentally sensitive and/or hazardous areas. See Table I for the MINIMUM criteria for critical confinement fences.

For non-critical areas are areas where a lower level of confinement or exclusion is acceptable, such as divisional fences in pastures (either permanent or non-permanent) and other light duty fences. See Table II for the MINIMUM criteria for non-critical confinement fences.

## CRITICAL CONFINEMENT/EXCLUSION FENCE

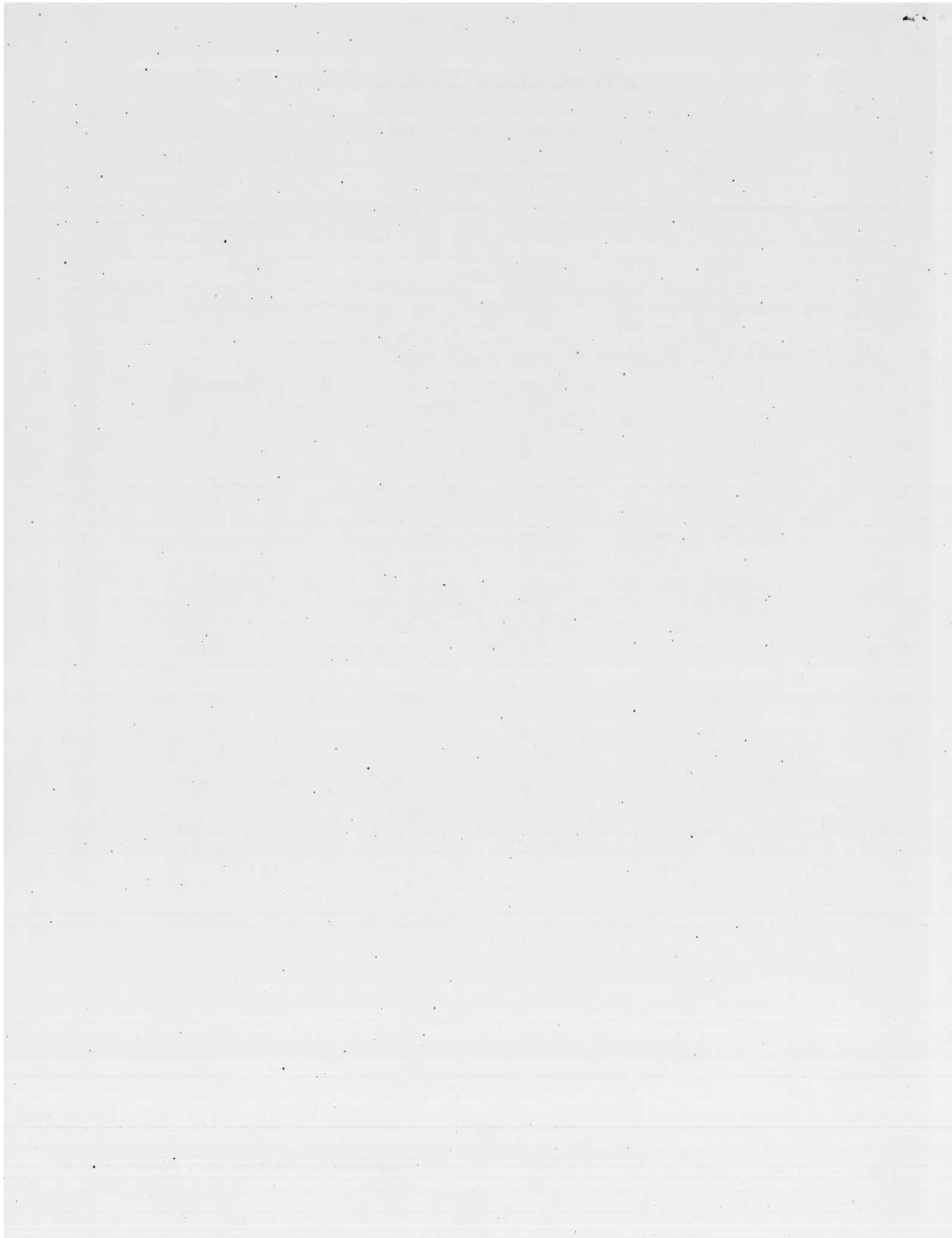
**TABLE 1: Critical Confinement/Exclusion Fences**  
Minimum Height and Strand Spacing for Permanent Fence Types

	<u>Non-Electric High Tensile Smooth Wire</u>	<u>Woven Wire</u>	<u>Barbed Wire</u>	<u>Wooden Board</u>	<u>Electric High Tensile Smooth Wire</u>
<b>Goats, Kids, Sheep, Lambs, Alpaca, Llama</b>	Minimum 7 strands, spaced at 4, 10, 16, 22, 28, 34 and 40 inches above the ground	5 horizontal woven wires placed a minimum of 40 inches high, plus one additional wire (either barbed or electrified smooth) no more than 3 inches above the top of the woven wire	Minimum of 4 strands, spaced at 10, 16, 22 and 36 inches above the ground	Not recommended	Minimum 5 strands (3 electrified) – spaced at 6, 12, 20, 28 and 36 inches above the ground
<b>Hogs</b>	Not recommended	5 horizontal woven wires placed a minimum of 36 inches high, plus one additional wire (either barbed or electrified smooth) at the bottom.	Not recommended	Not recommended	Minimum 5 strands with 2 electrified – spaced at 6, 12, 20, 28 and 36 inches above the ground
<b>Humans</b>	Minimum 5 strands, spaced at 10, 20, 30, 40 and 50 inches above the ground	5 horizontal wires placed a minimum of 48 inches high	Minimum of 5 strands, spaced at 6, 12, 20, 28 and 36 inches above the ground	Not recommended	Minimum 4 strands (2 electric) spaced at 10, 22, 34, and 46 inches above the ground
<b>Horses and Foals</b>	<b>Horses Only</b> Minimum 4 strands, spaced at 10, 22, 34, and 46 inches above the ground <b>Horses w/foals</b> Minimum 5 strands, spaced at 10, 20, 30, 40 and 50 inches above the ground	5 horizontal woven wires placed a minimum of 48 inches high, plus at least one additional electrified smooth wire no more than 3 inches above the top of the woven wire	Not recommended	Minimum of 3 and a maximum of 4 boards. Boards spaced on 16 in centers, bottom board @ 16" above the ground 3 board fence – top board @ 48" above the ground 4 board fence – top board @ 64" above the ground	<b>Horses only (no foals)</b> Minimum of 3 strands, all electrified, spaced at 30, 40 and 50 inches above the ground <b>With Foals</b> Minimum of 5 strands, all electrified, spaced at 10, 20, 30, 40 and 50 inches above the ground
<b>Beef Steers, Cows and Calves</b>	Minimum 5 strands, spaced at 10, 20, 30, 40 and 50 inches above the ground	5 horizontal woven wires placed a minimum of 48 inches high, plus one additional wire (either barbed or electrified smooth) no more than 3 inches above the top of the woven wire	Minimum of 3 strands, spaced at 10 to 17, 20 to 27 and 32 to 38 inches above the ground	Minimum of 3 and a maximum of 4 boards. Boards spaced on 16 in centers, bottom board @ 16" above the ground 3 board fence – top board @ 48" above the ground 4 board fence – top board @ 64" above the ground	Minimum of 3 strands (all electrified), spaced at 18, 30 and 42 inches above the ground Or a minimum of 4 strands (only 2 electrified), spaced at 10, 22, 34 and 46 inches above the ground
<b>Dairy Cows and Heifers</b>	Minimum 5 strands, spaced at 10, 20, 30, 40 and 50 inches above the ground	5 horizontal woven wires placed a minimum of 48 inches high, plus one additional wire (either barbed or electrified smooth) no more than 3 inches above the top of the woven wire	Minimum of 3 strands, spaced at 10 to 17, 20 to 27 and 32 to 38 inches above the ground	Minimum of 3 and a maximum of 4 boards. Boards spaced on 16 in centers, bottom board @ 16" above the ground 3 board fence – top board @ 48" above the ground 4 board fence – top board @ 64" above the ground	<b>Dairy Cows only</b> - Minimum 2 strands (2 electrified), spaced at 20 and 34 inches above the ground <b>With Heifers</b> – Minimum of 3 strands (all electrified), spaced at 18, 30 and 42 inches above the ground

### **Additional Criteria for Non-Critical Areas**

<b>Table II – Non Critical Confinement Fences</b>		
<b><u>Type of Livestock</u></b>	<b><u>ELECTRIC Number of Strands</u></b>	<b><u>NON ELECTRIC Number of Strands</u></b>
Mature Horses, Beef and Cows	Minimum 1 strand	Minimum 3 strands/boards or woven
Horses with Foals, Heifers and Cows with Calves	Minimum 2 strands	Minimum 4 strands/boards or woven
Hogs	Minimum 2 strands	Woven
Goats and Kids, Sheep and Lambs, Alpaca, Llama	Minimum 3 strands	Minimum 4 strands/boards or woven

**Table II Note:** Electric fence materials for non-critical confinement may consist of high tensile smooth wire, electro plastic twine (polywire), electrified ribbon, or other materials as specified by the manufacturer.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 2, DECA-WCB**  
**20<sup>th</sup> Floor, 290 Broadway, NY, NY 10007**

**CAFO COMPLIANCE INSPECTION REPORT**

<b>Inspection Date:</b> July 9, 2015 <b>Inspection Time:</b> 1000 - 1430	<b>Inspector:</b> Christy Arvizu, Environmental Scientist USEPA Region 2, (212) 637-3961
<b>Weather Conditions:</b> Overcast, with intermittent showers	<b>Temperature (°F):</b> mid 60's
<b>Inspection Type:</b> Compliance Evaluation Inspection	
<b>On-Site Representatives:</b> Sean and Sandra Quinn, Owners Farm: (518) 692-1060 Sean's cell: (518) 796-5994 Sandra's cell: (518) 796-6343	
<b>Other Attendees:</b> Larry Eckhardt, Professional Crop Consultant, Capital Area Ag Consulting, (518) 733-5129 & (518) 573-2565 (cell); Chad Sievers, Environmental Engineer II, NYSDEC Region 5, (518) 623-1226	
<b>K.A. Sunset View Farm, LLC</b> 249 Sarles Ferry Road Easton, NY 12834	
<b>NPDES/ICIS No.:</b> NYA001405 SPDES General Permit No. GP-04-02	
<b>SIC/NAICS Code:</b> 0241/112120 (Dairy Farms)	
<b>Attachments:</b> EPA Form 3560-3; New York State Department of Environmental Conservation, Division of Water, <u>CAFO Facility Inspection Report</u> , Version 1.0 – 3/15/06; Manure handling contract with Kernel Acres (Attachment A); USDA NRCS NY Conservation Practice Guideline for Fence (382) (Attachment B); USDA NRCS Technical Note "Agronomy 38" regarding Confinement / Exclusion Fences (Attachment C)	

**INTRODUCTION:**

On July 9, 2015, the U.S. Environmental Protection Agency (EPA) conducted a Federal lead CAFO compliance inspection at K.A. Sunset View Farm, LLC ("Sunset View Farm" or "Facility") located in the town of Easton, New York. The EPA inspection team consisted of Christy Arvizu with EPA Region 2's Division of Enforcement and Compliance Assistance, Water Compliance Branch (DECA-WCB). Chad Sievers of the New York State Department of Environmental Conservation (NYSDEC) Region 5 also accompanied EPA on the inspection. Sandra and Sean Quinn represented Sunset View Farm. Also present was Larry Eckhardt of Capital Area Ag Consulting who has been retained as the Facility's Nutrient Management Planner.

The inspection was performed to determine the Facility's compliance with the requirements and limitations of 40 C.F.R. 122.42(e) as well as NYSDEC's State Pollutant Discharge Elimination System (SPDES) General Permit for Concentrated Animal Feeding Operations (CAFOs) General Permit No. GP-04-02.

**INSPECTION PROCEDURE:**

EPA Inspector Arvizu arrived at 1000 hours on July 9, 2015 and presented credentials to Mr. and Mrs. Quinn. While on-site, EPA Inspector Arvizu conducted an opening conference with Facility representatives and Mr. Larry Eckhardt and completed the NYSDEC CAFO Inspection Report checklist. EPA Inspector Arvizu reviewed the Facility's rainfall, manure application, soil and manure analysis records and the Comprehensive Nutrient Management Plan (CNMP). After conducting the records review, EPA Inspector Arvizu conducted the field portion of the inspection and took photographs of potential noncompliance items at the Facility. At the conclusion of the field site visit, a closing conference was held with Mrs. Sandra Quinn, and Mr. Larry Eckhardt to discuss the preliminary findings and observations of the inspection. EPA Inspector Arvizu concluded the inspection at 1430 hours.

EPA Inspector Arvizu conducted the inspection in accordance with the procedures described in the "Routine Bio-Security Procedures for EPA Personnel Visiting Farms."

**FINDINGS & OBSERVATIONS:****Facility Description:**

Sunset View Farm is located in Washington County. The farmstead consists of the main farm which is a heifer operation with some dry cows. On October 3, 2003, Sunset View Farm applied for coverage under the CAFO General Permit as a medium CAFO under GP-99-01. NYSDEC granted permit coverage on October 18, 2003 (NYA001405). When the CAFO General Permit was re-issued (GP-04-02) on June 24, 2004 with an effective date of July 1, 2004, permit coverage for Sunset View Farm was automatically renewed. On July 18, 2008, Sunset View Farm submitted a Notice of Intent to expand from a medium CAFO to a large CAFO under GP-04-02. NYSDEC granted permit coverage as a large CAFO on August 27, 2008.

In the event of a discharge, production area runoff would flow to a minor tributary to the Upper Hudson River, located immediately south of the calf barns. Farm representatives and Mr. Eckhardt stated that the tributary is dry most of the year.

According to the Quinns, there were approximately 1,800 heifers / calves (between the ages of one day old and 20 months) and 25 dry cows on-site at the time of the inspection. The Facility is considered to be a large CAFO as it is equivalent to or exceeds the large CAFO threshold of 1000 cattle, other than mature dairy cows or veal calves.

The main farmstead consists of ten barns/structures:

- |                                     |   |
|-------------------------------------|---|
| 1. Calf Barn 1                      | 7. Barn 4   |
| 2. Calf Barn 3                      | 8. Barn 5   |
| 3. Compost / Heat Recovery Building | 9. Barn 6   |
| 4. Barn 1                           | 10. Manure Separator                                  |
| 5. Barn 2                           | 11. Calf Receiving Area / Decontamination / Wash Shed |
| 6. Barn 3                           |   |

There is a manure storage lagoon at the Facility which receives waste from Barns #2, 3, 4, 5 and 6. As this is a heifer facility, there is no milking parlor on-site. The Facility also utilizes a vegetated treatment area or filter strip to treat wastewater from the calf barns and the decontamination / wash shed.

**Comprehensive Nutrient Management Plan (CNMP):**

Section VII.A of the NYSDEC CAFO General Permit requires each CAFO to develop and implement a CNMP in accordance with Natural Resources Conservation Service (NRCS) Conservation Practice Standard NY312, and good agricultural practices, and should include measures necessary to prevent pollutants in runoff. The CNMP for Sunset View Farm was prepared by Capital Area Ag Consulting and was reviewed on-site.

At the time of the inspection, based on discussion with Facility representatives and Mr. Eckhardt and review of the 2014 Annual Compliance Report (Appendix D), the CNMP had been fully implemented. The Facility's CNMP did not have soil tests or associated field data because the facility does not land apply manure. All manure is exported off-site to Kernel Acres, LLC.

**Recordkeeping:**

As a large CAFO, the Facility is required to maintain and retain copies of the following records for a period of least five years from the date reported in accordance with Section IX.F of the Permit:

Record	Permit Requirement	Observation
Procedures for cleaning up spills shall be identified and the necessary equipment to implement a clean-up shall be available to personnel	Section VIII.C.xii	Documented in the Facility's Emergency Action Plan
Date, amount of manure, litter, and/or process wastewater exported, name and address of recipient, and provision of representative information on the nutrient content of manure, litter, and/or process wastewater to recipient, if greater than 50 tons are exported annually	Section VIII.C.xiii	Records of exports are maintained with the manure storage weekly inspection records. Facility has a manure handling contract with Kernel Acres (see Attachment A) dated 1/1/2010. Contract states that the agreement is in effect for 3 years. During the inspection, Facility representatives stated that the contract would be renewed.
All precipitation events in excess of 0.3 inches	Section IX.K	Records were available for all of 2014 (including events less than 0.3") and 2015 (year to date).  *Facility did not have records available for July 2010 – December 2013 at the time of the inspection.
Annual Compliance Reports	Section IX.L	2010 – 2015 available on-site
Manure analysis for nitrogen and phosphorus	Section IX.M	3/4/2015 (lagoon)  3/27/2015 (lagoon)  7/12/2012 (lagoon, raw material and compost)  8/9/2010 (lagoon)  *Manure analysis records were not available for 2013 and 2011 at the time of the inspection.
Daily water line inspections (including drinking water or cooling water lines)	Section IX.O.i (Production Areas)	2015 – generally conducted on a weekly basis from January to July (approximately every 10 days)  *Records were not available for 2010 – 2014 at the time of the inspection.

Record	Permit Requirement	Observation
Weekly depth marker readings for manure and process wastewater in any open liquid storage structures	Section IX.O.ii (Production Areas)	2015 – conducted monthly from January to March, twice in April, and then on a weekly basis since 4/15/2015 to present day 2014 – conducted monthly from January to March, then generally conducted on a weekly basis from 3/10/2014 to 12/31/2014.  *No records available for 2010 – 2013 at the time of the inspection.
Any actions taken to correct deficiencies; deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction	Section IX.O.iii (Production Areas)	N/A – none noted during records review
Handling and disposing of dead animals	Section IX.O.iv (Production Areas)	Dairy Comp used to maintain records of mortalities (since 2012). EPA did not review records prior to 2012.
Design of the manure and litter storage structures, including: - Volume of solids accumulation - Approximate number of days' worth of storage capacity - Design treatment volume - Calculations used to determine total design volume for storage structures	Section IX.O.v (Production Areas)	Reviewed the Facility's documentation for the manure storage lagoon which was certified by Clark Engineering on 7/9/2008.
Overflows from the production area, including date and time and an estimate of the volume	Section IX.O.vi (Production Areas)	The Quinns stated that no overflows have occurred.
Weather conditions at time of manure application and for 24 hours prior to and following application	Section IX.O.i (Land Application Areas)	N/A – no crop fields or land application at the Facility
Date(s) of manure application equipment inspection	Section IX.O.ii (Land Application Areas)	Facility has one 8,500 tanker truck that is used by Kernel Acres for land application on Kernel Acres fields. No records of manure application equipment inspection were available at the time of the inspection.
Soil analysis results – "Nutrient planning shall be based on current soil test results developed in accordance with Land Grant University guidance or industry practice if recognized by the Land Grant University. Current soil tests are those that are no older than three years."	NRCS Conservation Practice Standard NY590 & Section IX.F	N/A – no crop fields or land application at the Facility
Manure application records – "[d]ocumentation of the actual rate at which nutrients were applied. When	NRCS Conservation Practice Standard	N/A – no crop fields or land application at the Facility

Record	Permit Requirement	Observation
the actual rates used differ from or exceed the recommended and planned rates, records will indicate the reasons for the differences."	NY590 & Section IX.F	

#### **Clean Water:**

Section VI.A of the CAFO General Permit generally prohibits the discharge of process wastewater from CAFOs to waters of the State. Section VII.A of the NYSDEC CAFO General Permit states that CNMPs are required to be prepared in accordance with "NRCS Conservation Practice Standard No. NY312" which requires that clean water be excluded from concentrated waste areas to the fullest extent practical.

Generally, all animals are housed within the barns with limited exposure to precipitation, with the exception of calf hutches. Animals are fed in the barns which are covered with no exposure to precipitation. Calf hutches are located to the south of the Compost / Heat Recovery Barn and to the east of Calf Barn #1. At the time of the inspection, EPA Inspector Arvizu did not observe runoff from the calf hutch area.

At the time of the inspection, EPA Inspector Arvizu observed storage of sand bedding at the east end of Barn #6. Runoff from the pile was observed in the adjacent grassy area. However, there are no waterbodies in the immediate vicinity. Mrs. Quinn stated that the runoff observed in the grassy area could potentially be from Barn #1 if they are unable to clean out the barn before solids build up, in addition to runoff from the sand bedding pile. The concrete pad is sloped in a way to drain runoff to the grassy area which is adjacent to the Facility's manure storage lagoon.



**Photo #1** – Sand bedding storage at east end Barn #6; note runoff in grassy field to right of barn and sloped concrete pad.



**Silage/Feed/Commodities Storage:**

Section VIII.C.xi of the NYSDEC CAFO General Permit states that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with NRCS standards.” NRCS Conservation Practice Standard No. 312 “Waste Management System” states that “waste” includes polluted runoff such as that from a barnyard or silo, and that all farms with silage will address silage leachate control.” In addition, NRCS Conservation Practice Standard No. 635 “Vegetated Treatment Area” (VTA) specifies general criteria applicable to all vegetative treatment areas as well as additional criteria for treatment of bunk silo leachate. Section X.G of the CAFO General Permit requires the permittee to, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with this permit.

The Facility does not store feed on-site, as all feed (60 tons/day) is imported on a daily basis by Kernel Acres. Feed is trucked in to an uncovered feed drop off area northeast of Barns #4 & 5. At the time of the inspection, EPA Inspector Arvizu observed a ditch adjacent to, and east of, the feed drop off area. The ditch runs parallel to a neighboring crop field. EPA Inspector Arvizu did not observe leachate or impacts from leachate in the ditch as water in the ditch was clear and did not have an odor. In addition, at the time of the inspection, EPA Inspector Arvizu observed some feed on the concrete pad of the feed drop off area. Mrs. Quinn stated that the feed would be fed out by the end of the day.



**Photo #2 – Feed Drop off Area; view looking northeast. Ditch runs parallel to concrete knee wall and neighboring field.**

**Waste Storage Facilities and Manure Transfer:**

Section VIII.C.xi of the NYSDEC CAFO General Permit states that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with NRCS standards.” NRCS Conservation Practice Standard No. 313 “Waste Storage Facility” specifies general criteria applicable to all waste storage facilities as well as additional criteria for waste storage ponds. Section VIII.C.viii of the NYSDEC CAFO General Permit states that “[s]olids, sludges, manure or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent pollutants from being discharged to waters of the State.” In addition, Section X.G of the CAFO General Permit requires the permittee to at all times properly operate and

maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with this permit.

According to the CNMP and the Undesigned Storage Evaluation prepared by Clark Engineering, the manure storage lagoon is a clay lined storage with a concrete bottom that measures 295 feet long, 195 feet wide and is 12 feet deep; holds 3,753,806 gallons of manure; and has approximately 6 months of storage.

Facility representatives stated that manure from Barns 2 and 3 is pushed directly into the lagoon. Manure from Barns 4 and 5 are pushed to the separator where solids and liquids are separated out and liquids are piped to the lagoon. Manure from Barn 6 is pushed to Barn 2 where it is then pushed into the lagoon.

At the time of the inspection, Mrs. Quinn stated that the storage was approximately half full. EPA Inspector Arvizu observed a depth marker in the storage at the push-off ramp for Barn #2. In addition, EPA Inspector Arvizu observed that fencing surrounding the storage was not permanent. The existing fence consists of clothesline and 1" tape line that is strung on stakes.



**Photo #3 - Fencing along manure storage lagoon; view looking southeast with Barns 2 and 6 in background**



**Photo #4 - Close-up of fencing at manure storage lagoon; view looking northeast with Manure Separator Building and Barns 4 and 3 in background**

The adequacy of the fencing has been raised in previous NYSDEC inspection reports (June 16, 2010, July 27, 2009 and July 15, 2008). Specifically, NYSDEC stated that it questioned whether the fence “makes an effective physical barrier to ensure the safety of humans and livestock as required by USDA NRCS Conservation Practice Standard No. 313.” The inspector encouraged the Facility to consider installing a more substantial fence around the manure storage lagoon in each instance.

The Compost / Heat Recovery building was not in use at the time of the inspection as it was being used for bedding storage.

**Other wastes:**

Section VIII.C.x of the NYSDEC CAFO General Permit requires that dead animals shall be properly disposed of within three (3) days and in a manner to prevent contamination of waters of the State or creation of a public health hazard and “NRCS Conservation Practice Standard No. NY317 (Composting Facility)” states that contaminated runoff from compost facilities should be directed to appropriate storage or treatment facility for further management.

Mortalities at the Facility are taken off-site and composted when needed by Booth. Mortalities are placed for pick up at the decontamination / wash shed when needed.

Section X.G of the NYSDEC CAFO General Permit requires that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the permit. Washwater from the decontamination / wash shed and calf barns is directed to the filter strip / vegetated treatment area to the west of Calf Barn #1. At the time of the inspection, EPA Inspector Arvizu observed ponding in the upper third of the filter strip but no observed solids build-up. Beyond the end of the strip, there is a black corrugated pipe that outlets to the other side of a windbreak. No flow or impacts from the filter strip were observed in the pipe



or on the other side of the windbreak. Mrs. Quinn stated that the black pipe crosses under the driveway which leads to the manure storage and into her backyard. She also stated that there is no creek or stream in the vicinity.



**Photo #5 – Ponding in upper third of Calf Barn washwater filter strip; view looking south**

#### **CONCLUSIONS:**

##### **Permit Violations**

1. Section IX.F of the CAFO General Permit requires the permittee to retain copies of all records and reports required by this permit for a period of at least 5 years from the date reported. The following records were not retained as required:
  - a. Section IX.K of the NYSDEC CAFO General Permit specifies that all precipitation events in excess of 0.3 inches shall be measured and recorded. At the time of the inspection, EPA Inspector Arvizu observed precipitation records for calendar years 2014 and 2015 (to date). Records for July 2010 to December 2013 were not available.
  - b. Section IX.M of the NYSDEC CAFO General Permit specifies that all large CAFOs must analyze manure at least once annual[ly] for nitrogen and phosphorus content. At the time of the inspection, manure nutrient analysis records were observed to be available for 2015, 2014, 2012, and 2010. Records for 2013 and 2011 were not available.
  - c. Section IX.O.i (Production Areas) of the NYSDEC CAFO General Permit specifies that all large CAFOs must inspect water lines, including drinking water or cooling water lines, once per day, and document those inspections. At the time of the inspection, EPA Inspector Arvizu observed that records documenting daily water line inspections were generally documented on a weekly basis from January 2015 to the present day (July 2015) with inspections done within 7 – 10 days. Records documenting daily water line inspections conducted from 2010 to 2014 were not available.

- d. Section IX.O.ii (Production Areas) of the NYSDEC CAFO General Permit specifies that all large CAFOs must maintain weekly records of the depth marker reading for manure and process wastewater in any open liquid storage structures. At the time of the inspection, EPA Inspector Arvizu observed that weekly depth marker readings were generally conducted and recorded as follows:

2015 - monthly basis from January to March, twice in April, and then on a weekly basis since 4/15/2015 to the present day (July 2015).	2014 – monthly basis from January to March, and then generally conducted on a weekly basis from 3/10/2014 to 12/31/2014
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Records documenting weekly depth marker readings for July 2010 – December 2013 were not available.

#### Areas of Concern

1. Section VIII.C.xi of the NYSDEC CAFO General Permit states that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with NRCS standards.” NRCS Conservation Practice Standard No. 313 “Waste Storage Facility” specifies general criteria applicable to all waste storage facilities as well as additional criteria for waste storage ponds. During the inspection, and as noted previously by NYDSEC, EPA Inspector Arvizu observed the use of temporary fencing around the manure storage lagoon. As specified in the Safety section of “NRCS Conservation Practice Standard No. 313 (Waste Storage Facility)”, warning signs, fences, ladders, ropes, bars, rails, and other devices must be provided, as appropriate, to ensure the safety of humans and livestock. The use of temporary fencing, such as clothesline and 1” tape line, does not appear to ensure the safety of humans and livestock in a manner that is consistent with NRCS Conservation Practice Standard No. 313.

“USDA NRCS NY Conservation Practice Guideline for Fence (382)” (Attachment B) identifies conservation practices and procedures commonly associated with fences to address natural resource concerns and opportunities in New York in Table A of the document. Included among the practices is Conservation Practice 313 (Waste Storage Facilities). The “USDA NRCS NY Conservation Practice Guideline for Fence (382)” also provides guidance on inventory and evaluation, design, installation, check out, reporting and operation and maintenance. Last, but not least, the USDA has also published a Technical Note “Agronomy 38” regarding Confinement / Exclusion Fences (Attachment C). The Technical Note provides useful information regarding the construction of fences in areas where damage to property or livestock, injury or loss of life is possible. It further defines what critical areas are and what the criteria are for confinement fences for critical areas and non-critical areas.

2. While there were no solids build-up or discharges from the Calf Barn washwater filter strip or VTA, there are still operational maintenance concerns as there is a lack of uniform vegetation across the strip and ponding of liquid in the upper third of the strip. The Facility should revisit the design of the strip as well as the operation and maintenance of the strip to ensure that it is functioning as designed and all sources of wastewater are properly categorized and treated.
3. As the Facility does not have long-term storage for feed as feed is brought in daily, the feed drop off area is exposed to precipitation as it is uncovered. Therefore, there is potential for runoff from the concrete pad into the adjacent field ditch. The Facility should consider implementing best management practices to minimize the potential for runoff to the greatest extent possible.



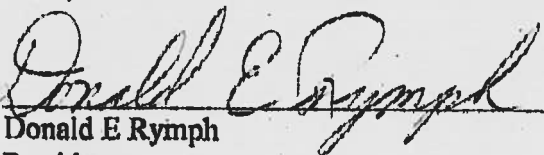
**MANURE HANDLING CONTRACT**

January 1, 2010

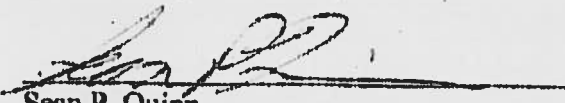
This agreement is between KA Sunset View Farm LLC and Kernel Acres, LLC. Kernel Acres agrees to remove the manure from Sunset View's manure storage as needed or necessary. The manure will be applied to the lands owned or leased by Kernel Acres.

Kernel Acres further agrees to maintain proper soil nutrient records and will provide a copy of these records to Sunset View for their CAFO records. Sunset View agrees to supply a copy of the nutrient status of the manure in storage annually.

This agreement is in effect for three years.



Donald E Rymph  
President  
Kernel Acres, LLC



Sean P. Quinn  
President  
KA Sunset View Farm, LLC



**NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION PRACTICE STANDARD**

**FENCE  
(Ft.)**

**CODE 382**

**DEFINITION**

A constructed barrier to animals or people.

**PURPOSE**

This practice facilitates the accomplishment of conservation objectives by providing a means to control movement of animals and people, including vehicles.

**CONDITIONS WHERE PRACTICE APPLIES**

This practice may be applied on any area where management of animal or human movement is needed.

**CRITERIA**

**General Criteria Applicable to All Purposes**

Fencing materials, type and design of fence installed will be of a high quality and durability. The type and design of fence installed will meet the management objectives and site challenges. Based on objectives, fences may be permanent, portable, or temporary.

Fences will be positioned to facilitate management requirements. Ingress/egress features such as gates and cattle guards will be planned. The fence design and installation should have the life expectancy appropriate for management objectives and will follow all federal, state and local laws and regulations.

Height, size, spacing and type of materials used will provide the desired control, life expectancy, and management of animals and people of concern. Refer to Tech Note NY - 38 Fence for guidance

Fences will be designed, located, and installed to meet appropriate local wildlife and land management needs and requirements.

**CONSIDERATIONS**

The fence design and location should consider: topography, soil properties, livestock management, animal safety, livestock trailing, access to water facilities, development of potential grazing systems, human access and safety, landscape aesthetics, erosion problems, soil moisture conditions, flooding potential, stream crossings, and durability of materials. When appropriate, natural barriers should be utilized instead of fencing.

Where applicable, cleared rights-of-way may be established which would facilitate fence construction and maintenance. Avoid clearing of vegetation during the nesting season for migratory birds. Where applicable, fences should be marked to enhance visibility as a safety measure for animals or people.

Fences across gullies, canyons or streams may require special bracing, designs or approaches.

Conservation practice standards are reviewed periodically and updated if needed. To obtain the current version of this standard, contact your Natural Resources Conservation Service State Office or visit the Field Office Technical Guide.

**NRCS, NY  
October 2014**

Fence design and location should consider ease of access for construction, repair and maintenance. Fence construction requiring the removal of existing fencing materials should provide for proper disposal to prevent harm to animals, people and equipment.

#### **PLANS AND SPECIFICATIONS**

Plans and specifications are to be prepared for all fence types, installations and specific sites. Requirements for applying the practice to achieve all of its intended purposes will be described.

#### **OPERATION AND MAINTENANCE**

Regular inspection of fences should be part of an ongoing maintenance program to ensure continuing proper function of the fence. Operation and Maintenance (O&M) includes the following:

Schedule regular inspections, and after storms and other disturbance events.

Maintenance activities:

- Repair or replacement of loose or broken material, gates and other forms of ingress/egress
- Removal of trees/limbs
- Replacement of water gaps as necessary
- Repair of eroded areas as necessary
- Repair or replacement of markers or other safety and control features as required.

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Technical References and Notes.